

Amendments to House Bill No. 190  
3rd Reading Copy

SENATE FISH AND GAME  
EXHIBIT NO. 8  
DATE march 24, 09  
BILL NO. HB 190

Requested by Senator Jim Shockley

For the Senate Fish and Game Committee

Prepared by Hope Stockwell  
March 24, 2009 (1:49pm)

1. Page 1, line 30.

**Strike:** ", conditionally,"

2. Page 2, line 4.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) that the legislation neither create any right nor extinguish any right related to county roads established by prescriptive use that exist at the time of passage; "

**Renumber:** subsequent subsections

3. Page 3, line 6.

**Following:** line 5

**Insert:** "(3) The provisions in [sections 1 and 3] and this section related to public access to surface waters for recreational use neither create nor extinguish any right related to county roads established by prescriptive use that exist on [the effective date of this act].

(4) For purposes of determining liability, a person accessing surface waters for recreational use pursuant to this section is owed no duty by a landowner or an agent or tenant of that landowner other than for an act or omission that constitutes willful or wanton misconduct."

4. Page 3, line 14.

**Following:** "characteristics of"

**Insert:** "an access feature of"

5. Page 3, line 15.

**Following:** "Examples of"

**Insert:** "an access feature of"

6. Page 3, line 23.

**Following:** line 22

**Insert:** "(b) It may only be necessary to locate one access feature on each side of the surface water. When practicable, one access feature must be located on the downstream bridge edge, guardrail, or abutment. The department may waive these provisions when one access feature is sufficient."

**Renumber:** subsequent subsections

7. Page 3, line 30 through page 4, line 1.  
**Strike:** subsection (4) in its entirety

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